

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JUNE CHO,)
)
)
Plaintiff,)
)
)
v.) 1:18CV288
)
DUKE UNIVERSITY and)
MARILYN HOCKENBERRY,)
)
)
Defendants.)

ORDER

For reasons to be set forth in a Memorandum Opinion, this court will grant Defendants' Motion for Summary Judgment, (Doc. 20), on the following claims:

1. Plaintiff's claim for tortious interference with contract; and
2. Plaintiff's claims under Title VII and N.C. Gen. Stat. §§ 143-422.1 et seq. for national origin discrimination and retaliation.

With respect to Plaintiff's claim for defamation, this court requires further briefing on the following statement that Defendant Hockenberry allegedly made:

I think almost [at] the end of my career at Duke, because Marilyn Hockenberry knew that I be kick out, fired pretty soon, so Hockenberry advise Im, Just away from June Cho and nothing will help you if you keep that relationship.

(Deposition of June Cho (Doc. 34-1) at 141.) In the supplemental briefing, the parties shall address the following three issues:

1. Whether this statement is sufficient, as a matter of North Carolina law, to state a claim for defamation, (see Compl. (Doc. 7) at 1-2); and
2. Whether this testimony by Plaintiff, alleging Defendant Hockenberry made this statement to an individual named Im, without further evidentiary support, is presented in a manner that comports with the requirements of Fed. R. Civ. P. 56(c)(2), that is, whether this statement is presented in a form that would be admissible in evidence. It is not clear to the court who overheard this statement. No admission has been presented that Dr. Hockenberry made this statement. Dr. Im has filed an affidavit which states that Dr. Im does not recall Dr. Hockenberry making a statement that Dr. Cho would become physically dangerous. (Doc. 20-9 at 1.) Dr. Im was aware of a dispute between Dr. Cho and Dr. Hockenberry but did not get involved. (Id.) Dr. Im's affidavit makes no mention of the statement Dr. Cho alleges and is set forth above; and
3. Whether this court can and should exercise supplemental jurisdiction of this state claim if the remaining federal claims are dismissed.

IT IS ORDERED that the parties submit supplemental briefing on these three issues by Monday, October 7, 2019, at 12:00 noon. These briefs shall be no more than ten pages in length. A lengthy factual and procedural description is not required. No responsive briefs will be permitted.

This the 3rd day of October, 2019.

William L. Osten, Jr.
United States District Judge